

CAP. 226.

CYPRUS

LAND ACQUISITION

CHAPTER 226 OF THE LAWS

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1959

CHAPTER 226.

LAND ACQUISITION.

ARRANGEMENT OF SECTIONS.

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Short title.

Interpreta-
tion.

2 (b) of
22/56.

2 of 29/36.

TO FACILITATE THE ACQUISITION OF LAND AND OTHER IMMOVABLE PROPERTY FOR PUBLIC PURPOSES.

[4th April, 1899.]

1. This Law may be cited as the Land Acquisition Law.

2. In this Law—

“Acquiring Authority” means the Government or any Department concerned in the acquisition of land, or Her Majesty’s Naval, Military or Air Force Authorities, or Her Majesty’s Government in the United Kingdom, or any public body concerned, as the case may be, carrying out an undertaking of public utility under the provisions of this Law;

“Commissioner” means the Commissioner of the district within which the land acquired or to be acquired is situate;

“land” includes—

(a) land with the grazing rights on or over such land;

(b) land with all water and water rights on, over or under such land;

- (c) buildings and other erections;
- (d) trees, vines and standing crops;
- (e) easements, privileges and liberties over any ^{2 of 26/52.} land and rights restrictive of the use of any land which either lawfully subsist at the time of the acquisition or, though not subsisting at such time, are required to be created for any undertaking of public utility;
- (f) water and water rights, held independently of land, where the acquisition thereof—
 - (i) is required for the construction or service of any railway or harbour, provided that there shall not be any other reasonably accessible means of obtaining such water as is necessary for the purposes of such railway or harbour, or
 - (ii) is required for the purposes of any land already acquired or which is being acquired under the provisions of this Law;

“Tribunal” means the Compensation Assessment Tribunal set up under the provisions of The Compensation Assessment Tribunal Law; ^{5 (a) (iii) of 1st Sch., 43/55. Cap. 216.}

“undertaking of public utility” means any undertaking of a public nature, civil, naval, military or air force, which the Governor shall by notification in the Gazette declare to be an undertaking of public utility, whether the cost of such undertaking is to be borne by the public funds of Cyprus or by Her Majesty’s Naval, Military or Air Force Authorities or by Her Majesty’s Government in the United Kingdom, or by a public body recognized as such for the purposes of this Law by an instrument under the hand of the Governor. ^{2 of 2/28. 2 of 29/36. 3 of 26/52.}

3. Where any land is needed for any undertaking of public utility the Governor may by notification in the Gazette authorize the carrying out of the undertaking under the provisions of this Law. ^{Governor may authorize public works for which land required.}

4. (1) Whenever any land is needed for any undertaking of public utility it shall be lawful for the Acquiring Authority and his servants and workmen to do all or any of the following things— ^{Preliminary investigation. 2 of 12/44. 3 of 22/56.}

- (a) to enter upon and survey and take levels of any such land;

- (b) to dig or bore into the subsoil;
- (c) to do all other acts necessary to ascertain whether the land is suitable for such purpose and the value of the land and of the buildings, trees and crops thereon;
- (d) to clear the land proposed to be acquired and to set out and mark the boundaries of such land and the work, if any, proposed to be made thereon:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice of his intention to do so.

3 of 22/56.

(2) As soon as conveniently may be after any entry made under subsection (1) the Acquiring Authority shall pay for all damage done and in case of dispute as to the amount to be paid either the Acquiring Authority or the person claiming compensation may refer such dispute to the Tribunal whose decision shall be final.

Recom-
mendation
to acquire
land.

5. From and after the publication of the aforesaid notification the Director of Public Works or other officer entrusted by the Governor with the supervision of any undertaking so authorized may recommend that any land be acquired for the purpose of carrying out the undertaking.

On any such recommendation the officer by whom it is made shall forward to the Commissioner a copy of the recommendation, together with a plan or particulars of the land to be acquired.

Notice to
persons
interested.
3 of 12/44.
Schedule.

6. (1) The Commissioner before submitting the recommendations and plans or particulars to the consideration of the Governor shall cause a public notice in the form set out in the Schedule hereto to be published in the Gazette and also to be posted at convenient places on or near the land to be acquired:

Provided that the period set out in such Schedule may, with the approval of the Governor be abridged to ten days.

(2) At the expiration of the period set out in the notice the Commissioner shall forward to the Governor the recommendations and plans or particulars, together with the objections made, if any.

7. (1) If the Governor approves the plan or particulars submitted and considers it expedient, having regard to all the circumstances of the case, that the land in question shall be acquired, he may by notification in the Gazette sanction the acquisition of the land; and thereupon the land may be acquired and compensation, which may include compensation for damage occasioned by determination of a lease, may be awarded for its acquisition in manner hereinafter provided.

Sanction by
Governor of
acquisition.

(2) Where the land to be acquired is an easement, privilege or liberty over any land or a right restrictive of the use of any land, such easement, privilege, liberty or right shall, if it does not subsist at the date of the sanction, be deemed to be created by such sanction and thereupon the provisions of subsection (1) of this section relating to acquisition and compensation shall apply. 4 of 26/52.

8. When the Governor has notified his sanction to the acquisition of any land, the land shall thereupon vest absolutely in the Government or Her Majesty's Naval, Military or Air Force Authorities or Her Majesty's Government in the United Kingdom or in the public body concerned, as the case may be, free from all encumbrances; and the notification of the Governor's sanction shall be sufficient authority to the Director of Lands and Surveys to cause amendments of registration to be effected in accordance with the plan and particulars so approved by the Governor:

Vesting
of land.
5 of 26/52.
5 (b) of
1st Sch. of
43/55.

Provided that the Governor may, before notifying his sanction to the acquisition of any land, require the value of the land and the amount to be paid by way of compensation for it to be first ascertained, in manner hereinafter provided; and, in any such case, unless agreement is reached between the Acquiring Authority and the person interested as to the compensation, the Acquiring Authority shall refer the question to the Tribunal and it shall be determined thereby in manner provided by this Law: 4 of 22/56.

Provided further that the Governor may, in notifying his sanction, prescribe the period within which the works to which the sanction relates shall be completed and may extend such period from time to time as he may deem fit.

9. (1) If within three months from the date of the notification of such sanction, or from the date of the aforementioned requirements of the Governor being notified to the Director of Lands and Surveys, the persons interested

Reference to
Tribunal.
5 of 22/56.